

The header image features a close-up of an elephant's head on the left, with its trunk pointing towards the center. On the right, there is a circular seal of the House of Representatives, showing a classical building and the word 'REPRESENTATIVES' at the top. The text 'Message Points' is overlaid in a large, white, stylized font with a slight shadow effect.

Message Points

The House Majority Office

Carlos Lopez-Cantera, Majority Leader

Majority Message Points

Issue: PCB EDTS 11-01 Unemployment Compensation

Key Point:

- The PCB brings consistency and fairness to the Unemployment Compensation System by providing tax relief to businesses, adjusting benefits to reality, and clarifying workplace expectations for employers and employees.

Discussion Points:

Provides tax relief to businesses:

- Adjusts employers' tax rate calculations to provide most businesses with some relief, more closely matching the tax amount predicted during the 2010 Legislative Session.
 - Allows employers to realize immediate savings by matching this rate change to the benefits changes made by the PCB.
- Allows employers to continue to have the option to pay their UC taxes in installments over the course of the year in 2012, 2013, and 2014.

Adjusts UC Benefits to reality:

- Allows UC benefits to better reflect the reality of the state's changing economy.
- Allows the number of available benefit weeks to reflect more accurately a claimant's available job choices by tying that number to the unemployment rate.
 - If the unemployment rate is 9% or higher, the maximum number of weeks is 20.
 - If the unemployment rate is at or below 5%, the number of weeks is 12. Each 0.5% increment above 5% adds an additional week.
- Maintains the maximum weekly benefit amount for claimants who have exhausted their state benefits by moving them into the Federal Tiers.
 - A claimant's access to Federal Tiers will not be affected because eligibility for those Tiers ends at the end of this year.

- Helps re-employ a claimant by providing an initial skills review at the time of benefit application for the Agency for Workforce Innovation (AWI) to use in providing relevant assistance to claimants.

Clarifies Workplace Expectations:

- Provides balance between employer and employee by requiring that UC statutes be read to not favor or disfavor either the side of the claimant or the side of the employer.
- Clarifies “good cause” used to determine UC benefit qualification for employees who leave work voluntarily.
 - Requires an employee to show that the reason the employee voluntarily left employment is a reason that would compel a reasonable employee to quit.
- Changes the definition of misconduct to more fairly distribute the legal burden required to be shown by an employer who fired an employee for misconduct.
- Expands the definition of misconduct to include actions that can jeopardize a business’ ability to remain open, chronic employee behavior such as absenteeism or tardiness, and violations of employer rules.
 - Provides exception to an employee who is unaware of or could not comply with such rules.
- Creates consistency and efficiency in the UC system by closing a loophole that allows an employee to receive both severance pay from an employer and unemployment compensation benefits.
- Expands disqualification from benefits to include being fired for *any* crime committed in connection with work or for a crime that affects an employee’s ability to do his or her job.

Addresses inefficiencies in the UC appeals process:

- Codifies the exclusion of unnecessary and repetitive evidence, currently also excluded under agency rules.
- Allows employers to keep employees with material information needed at a UC appeals hearing on the job by allowing hearsay evidence under certain circumstances and after review by both parties prior to the hearing.

- Provides that the date of the Agency mailing a document to a claimant is considered to be the date on the document, absent further evidence presented.
- Provides more convenience to claimants by allowing a claimant to file an appeal of a UC decision in a nearby appellate court.

Issue Response:

- **Question:** Some have suggested that people aren't looking hard enough for jobs. Is this bill an effort to get idle people off unemployment?
 - **Response:** The purpose of this bill is to put individuals in the current system on a path towards re-employment and incorporates much needed reforms.
- **Question:** How will this bill improve Florida's UC system?
 - **Response:** The bill brings consistency and fairness to the UC system by implementing several reforms, such as:
 - strengthening workforce development by providing initial skills testing.
 - reforming the system by preventing abuses in the UC system.
 - creating a more flexible system by tying the maximum number of benefit weeks to the current unemployment rate.
- **Question:** By broadening the definition of misconduct and allowing hearsay into the appeals process, isn't the Legislature firmly siding with businesses at the expense of the unemployed?
 - **Response:** No, the changes made in this bill will create a neutral UC system in which both the employer and employee are on a fair and equal playing field.
- **Question:** With state unemployment at 12%, is this really the time to be cutting unemployment benefits?
 - **Response:** Economic growth and a friendly business climate are the keys to creating jobs and reducing unemployment. Additionally, anyone exhausting state benefits will be able to move into the Federal Tiers.
- **Question:** How much will the mandatory initial skills testing cost the State?
 - **Response:** This initiative will use existing resources already deployed by AWI, Workforce Florida, and the regional workforce boards.
- **Question:** Does changing the definition of "good cause" potentially subject more employees to abuse and harassment from their employers?
 - **Response:** No, Florida law is very clear that workplace harassment of any kind will not be tolerated.

- **Question:** Shouldn't the Legislature focus on creating jobs instead of finding ways to restrict unemployment benefits?
 - **Response:** This bill helps to alleviate the burden on business owners, who are directly responsible for providing employment in the state.
- **Question:** The bill punishes tardy employees by making them ineligible for benefits. Isn't that a bit excessive?
 - **Response:** The bill provides clarification to existing policy under state and federal law. UC benefits are only available for individuals who lose their jobs through no fault of their own.
- **Question:** Some businesses may have a hard time paying their 2011 UC taxes. Is there anything in the bill's provisions that may assist these businesses?
 - **Response:** Yes, the bill reduces tax rates for most employers by revising their benefit ratio calculation downward by 10%. In addition, the bill assists businesses by continuing the installment payment option for the next three years.
- **Question:** How does this bill help the unemployed who are hurting right now?
 - **Response:** The bill codifies federally funded extended benefits into law. Additionally, the bill provides the unemployed with an initial skills assessment and allows claimants to appeal claim determinations in a nearby appellate court.